

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 00-20341

---

GARY PEAK, MIKE KIMBRO; JACQUELINE COGLEY,  
OSCAR FAVELLA

Plaintiffs-Appellants

v.

VARTEC TELECOM, INC

Defendant-Appellee

-----

---

No. 00-20409

---

GARY PEAK, MIKE KIMBRO; JACQUELINE COGLEY,  
OSCAR FAVELLA

Plaintiffs-Appellees

v.

VARTEC TELECOM, INC

Defendant-Appellant

---

Appeals from the United States District Court  
for the Southern District of Texas, Houston

---

January 10, 2001

Before KING, Chief Judge, and HIGGINBOTHAM and DUHÉ, Circuit  
Judges.

PER CURIAM:\*

The district court did not err in granting summary judgment in favor of defendant-appellee Vartec Telecom, Inc., nor did the district court abuse its discretion in refusing to award attorney's fees to Vartec.

AFFIRMED.

---

\*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.